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PPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/825,120	04/16/2004	Georg Bastian	Q80758	7965	
23373	7590 10/21/2005	EXAMINER			
SUGHRUE MION, PLLC			HELLNER, MARK		
2100 PENNSYLVANIA AVENUE, N.W. SUITE 800			ART UNIT	PAPER NUMBER	
WASHINGTON, DC 20037			3663		

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary 10/825,120			-	Application No.		Applicant(s)				
Mark Heliner 3663	Office Action Summary			10/825,120 BASTIAN ET AL.						
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Educations of the major be included under the provised and of 37 CR1 1360, in no event, however, may a repty be limely filled after 130 (b) MONTHS from the mailing date of his communication of 37 CR1 1360, in no event, however, may a repty be limely filled and the 130 (b) MONTHS from the mailing date of his communication, and the special provised by the 18 set of centined period for repty will, by statule, cause the application become ABMONDER(C) St.U.S. C; 133). Any reply received by the 30 CPR 1.76(4). Status 1) Responsive to communication(s) filled on				Examiner		Art Unit				
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2a) This action is FINAL. 2b) This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4 Claim(s) 1-10 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5 Claim(s) is/are allowed. 6 Claim(s) is/are objected to. 8 Claim(s) is/are objected to. 8 Claim(s) is/are objected to by the Examiner. 10) The specification is objected to by the Examiner. 10) The specification is objected to by the Examiner. Application Papers 9	Status									
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	3) 🖾 Infon	mation Disclosure Statement(s) (PTO-1449 o	5) 🔲	Notice of Informal P		O-152)				

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DETAILED ACTION

Drawings

The drawings are objected to because figure 1 appears to be a hand sketch without descriptive legends. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Nicolaescu.

Nicolaescu discloses a Raman (column 1, lines 62 and 63) amplifier comprising: an optical waveguide (113) having a crystalline silicon material (column 2, line 26), the crystalline material having a Raman wavelength shift (column 2, line 38); and a pump (106) configured to pump light into the optical waveguide, the pump light having a second wavelength being substantially equal to the first wavelength minus the Raman shift (also column 2, line 38).

The structure above reads on claims 1 and 2.

Claim 9 reads on the method of operation of the structure applied to claims 1 and 2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nicolaescu in view of Suto et al (Journal of Lightwave Technology, Volume 20).

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Suto et al is cited to show that it was conventional to use a rib-like geometry to make a waveguide in semiconductor device of the type disclosed by Nicolaescu.

Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicolaescu in view of Onishi et al.

Onishi et al teaches that it was known at the time of the present application to have pumped a Raman gain medium with multiple wavelengths in order to expand bandwidth, thud providing a basis for applying this teaching to Nicolaescu.

Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicolaescu.

Official notice is taken that claims 4-7 recite conventional properties of a waveguide constructed on a semiconductor substrate.

As a result, the subject matter of claims 4-7 would have been obvious because Nicolaescu discloses a semiconductor waveguide fabricated on a substrate.

Any inquiry concerning this communication should be directed to Mark Hellner at telephone number 571 272 6981.

Mark Hellner

Primary Examiner

Mark Helha

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